

## 4.8 LAND USE/PLANNING

This section evaluates the potential for significant impacts on Land Use due to the proposed project. Consistent with the discussion in Section 4.0 (Introduction to the Analysis), based on a preliminary environmental analysis of the proposed project prepared prior to commencement of this EIR and analysis already completed for the BECSP Program EIR, substantial additional analysis of Land Use impacts is not required. Rather, this section includes a discussion of the current environmental setting, the proposed project and its relationship to the BECSP, where applicable; a discussion of consistency with the environmental analysis prepared for the BECSP, where applicable; any new information or analysis pertinent to the current analysis and identification of impacts; and significance conclusions. All impacts are considered to be less than significant.

Data used to prepare this section were obtained from the BECSP Program EIR and City of Huntington Beach General Plan. Full bibliographic entries for all reference materials are provided in Section 4.8.5 (References) at the end of this section.

### 4.8.1 Environmental Setting

The proposed mixed-use project is located on a 2.74-acre, rectangular lot at the southeast corner of Beach Boulevard and Ellis Avenue in the City of Huntington Beach. The project site is bound by Ellis Avenue to the north, Beach Boulevard to the west, commercial uses to the south, and quasi-residential uses to the east. The project site is currently developed with a gas station at the immediate corner of Beach Boulevard and Warner Avenue; the Town and Country Plaza which includes retail, restaurant, and office uses; and a restaurant. The project site is surrounded to the north, west, and south by commercial uses and to the east by quasi-residential and multi-family residential uses.

The proposed project site has a General Plan Land Use designation of Mixed Use-Specific Plan Overlay-Design Overlay (M-sp-d). The M-sp-d designation permits a range of commercial and multi-family residential uses. The exact density, location and mix of uses permitted in this designation is governed by a Specific Plan (“-sp”), allowing for greater design flexibility and to address the uniqueness of a particular area.

The project site is zoned as Specific Plan 14, also known as BECSP, adopted in March 2010. The project site is designated as Town Center Neighborhood within the Five Points District segment of the BECSP. BECSP Section 1.4.1(4) identifies the Five Points District segment as a potential City center characterized by convenience and urban vitality, and is envisioned to have greater development intensity than surrounding segments. Within areas designated as Town Center Neighborhood, uses permitted include retail, restaurant, office, civic and multi-family residential uses. These uses would be located on underutilized properties, and would be composed of the types of coherent arrangements of buildings, streets, and blocks that are lacking in this centrally located area, and are intended to support the Town Center Core of the Five Points District Segment. Development would be subject to the BECSP’s Development Code for this designation, as applicable.

The primary objective of the BECSP is to enhance the overall economic performance, physical beauty, and functionality of both the Beach Boulevard and Edinger Avenue corridors. BECSP Section 1.1 (Community Objectives) provides a number of specific objectives, included in Section 3.3 (Project Objectives) of this EIR. The BECSP is intended to be a guide for future development, and initiate the transformation of the corridors from commercial strip to a pattern of centers and segments.

All new development within the BECSP area must adhere to the BECSP Development Code. The BECSP Development code consists of development standards, development regulations, and guidelines. Conformance to the development standards is mandatory and standards are unique to each designation. The proposed project would be subject to development standards included as BECSP Section 2.1.4 (Town Center Neighborhood). Development regulations are detailed municipal policies that do not vary by designation. Guidelines are intended to ensure that new development conforms to the intent of the BECSP.

## **4.8.2 Regulatory Framework**

Refer to Section 4.8.2 (Regulatory Framework) of the BECSP Program EIR, for applicable federal, state, and local regulations that would apply to the proposed project. No new regulations have been implemented since the certification of the Program EIR.

The BECSP Development Code, which includes development standards, development regulations, and guidelines, governs all development actions with the BECSP area, including the proposed project site. The proposed project would be subject to development standards specific to the proposed project site's BECSP designation of Town Center Neighborhood, included as BECSP Sections 2.1.4 (Town Center Neighborhood).

## **4.8.3 Project Impacts and Mitigation**

This section provides a discussion of impacts related to land use based on Appendix G of the 2011 CEQA Guidelines thresholds of significance, as follows:

- Physically divide an established community
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect
- Conflict with any applicable habitat conservation plan or natural community conservation plan

### **■ Physically Divide an Established Community**

The proposed project site is currently fully developed and is surrounded by established roadways to the north and west, and development to the south and east. The proposed project would not extend past these existing property boundaries. Land uses adjacent to the project site include commercial to the north, west and south; and quasi-residential and residential uses to the east and northeast. Implementation of the proposed project would result in the construction of a mixed-use residential and retail project that would replace the existing retail, restaurant, and gas station uses on the project site. As such, the introduction of residential uses on the project site would create an extension of the established

neighborhood located to the east and northeast of the project site and would support this neighborhood by providing neighborhood-serving retail uses, including a market and retail shops. As the proposed project would not encroach on the existing residential neighborhood and would be an extension of the existing residential neighborhood, implementation of the proposed project would not result in the division of an established community. This is considered a *less than significant* impact.

## ■ Conflict with Any Applicable Land Use Plan, Policy, or Regulation

Overall, the proposed project is consistent with the City's land use policies that generally encourage projects to provide a mix of uses that are compatible and harmonious with surrounding development, and to provide amenities that enhance the image and quality of life and the environment. The proposed project is also consistent with General Plan policies that are designed to address the image of the community, promote compatibility between land uses, and support the City's image as a regional activity center that would provide the community and region with economic and service benefits. A consistency analysis for applicable land use policies is provided under Impact 4.8-1 of the BECSP EIR. Applicable plans in this consistency analysis include SCAG's Regional Comprehensive Plan (RCP) and Regional Transportation Plan (RTP), as well as the City of Huntington Beach General Plan Urban Design and Land Use Elements. The proposed project implements the broad policies established in the City of Huntington Beach General Plan to guide growth and change within the City.

The project would achieve the stated community objectives of the BECSP, included in Section 3.3 of this EIR, through the application of the BECSP Development Code. The proposed project site is designated as Town Center Neighborhood in the BECSP, and would be subject to BECSP Section 2.1.4 (Town Center Neighborhood), which includes development standards relating to building use, building scale, frontage and building placement, streets, open space parking, and architecture. The proposed project has been designed in conformance with the majority of applicable development standards.

Implementation of the proposed project would begin with the demolition of existing development on the project site; including the existing gas station, Town and Country Plaza, and restaurant. The proposed six-story, mixed-use building consists of 37,000 sf of retail uses, including a 30,000 sf market use and 7,000 sf of retail shops, located at ground floor. The proposed project also includes 105 residential units located on Levels four through six. A total of 220 parking stalls for retail uses would be provided on Levels one and two, and 263 parking stalls for residential uses would be provided on Level three. Additionally, 1,850 sf public open space area, associated with the retail component of the proposed project, would be located at the corner of Beach Boulevard and Ellis Avenue. The proposed retail and multi-family residential uses are allowable uses on sites designated as Town Center Neighborhood (BECSP Section 2.2.1).

### Dwelling Units

The proposed project site was contemplated in the IS/NOP prepared for the BECSP EIR (July 2008). For the proposed project site, a project consisting of 120 residential dwelling units and 71,000 sf of retail uses was identified in the BECSP IS/NOP. The project, as proposed, is 34,000 sf of retail uses and 15 dwelling units smaller than the project contemplated for the project site in the IS/NOP. Additionally, the

proposed project is well within the approved number of dwelling units in the BECSP and would not conflict with the total number of units approved for the area nor the approved uses.

### **Building Height**

BECSP Section 2.3.1 (Building Height) permits buildings to be a minimum of two stories and a maximum of six stories in height on the project site. Further, BECSP Section 2.3.2 (Special Building Height Limits) establishes special building height limits for development along Beach Boulevard or located adjacent to, or across from, housing such as the project site. In this instance for the proposed project site, along Beach Boulevard building heights are required to be limited to a maximum of four stories for a horizontal distance of 65 feet from the back of the sidewalk and along Ellis Avenue, across from housing on the north side of the street, building heights are required to be limited to a maximum of two stories above the height of the residential uses for a horizontal distance of 65 feet from the back of sidewalk. The adjacent SRP project is classified as a quasi-residential use. As such the City would also apply the BECSP requirement for special building height limits to the project's easterly boundary, which would limit the height to a maximum of four stories immediately adjacent to the building but allow for an increase above that setback from the façade. Figure 3-4 (Project Elevations) illustrates the proposed building heights and facades.

As shown in Figure 3-4, the proposed building would be six stories in height, with the building height stepping up from one story along the Beach Boulevard and Ellis Avenue sidewalks to six stories at the center/back of the site. Although the height of proposed buildings would be limited immediately adjacent to these roadways, the horizontal distance from the back of the sidewalk for which the building would be a reduced height is less than 65 feet and therefore, does not satisfy the Special Building Height Limits. As such, as designed, the proposed project is not consistent with building height BECSP development standards that directly relate to the visual quality of the site. The proposed project would however be consistent with the special building height limits for development adjacent to housing.

Although inconsistencies between the height of buildings and the BECSP Development Code have been identified, during the site plan review process revisions to the design of the proposed project would likely be required in an effort to achieve consistency with the BECSP, as is the case for all development occurring in the BECSP area. As such, site plan review approval would ensure that the proposed project would conflict with the BECSP.

### **Street and Open Space Design**

Existing streets would include public frontage improvements, as required by BECSP Section 2.5.1(1)(c). Along Beach Boulevard, the Palm Tree Boulevard typical configuration would be implemented. The proposed project would also be consistent with BECSP Section 2.6 (Open Space Regulations), which requires the provision of public open space at a rate of 50 sf per 1,000 sf of retail uses and per dwelling unit to be provided on the project site. If public open space cannot be provided on the project site, the payment of an in-lieu fee to construct the required amount of usable open space offsite is permitted by BECSP Section 2.6.1(2). The project proposes a total of 1,850 sf of public open space in the form of a plaza at the corner of Beach Boulevard and Ellis Avenue. The remaining open space requirement would be satisfied through the payment of an in-lieu fee to provide the open space off site. Additionally, 10,500 sf of open space for residential use would be provided on Level six of the proposed building.

## Affordable Housing

The proposed project would be subject to BECSP Section 2.2.3 (Affordable Housing Requirements), which requires that 10 percent of all new residential construction three or more units in size be affordable housing units. As such, 11 of the 105 housing units proposed shall be affordable housing units. This section also allows for payment of a fee in lieu of providing the units on-site or to provide the affordable units at an off-site location to fulfill the affordable housing requirements. Compliance with BECSP Section 2.2.3 would contribute to the City meeting its RHNA.

To ensure that proposed development is consistent with the BECSP, the proposed project is required to submit a Site Plan Review application. In order for the Site Plan Review application to be approved, the Director of Planning and Building must make the following findings:

- i. The project is consistent with the City's General Plan and all applicable requirements of the Municipal Code
- ii. The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood
- iii. The project will not adversely affect the Circulation Plan of this Specific Plan
- iv. The project complies with the applicable provisions of the BECSP and other applicable regulations

Approval of the proposed project's Site Plan Review application would ensure that the proposed project would not conflict with any applicable plans, policies, and regulations. This is considered a *less than significant* impact.

## ■ Conflict with Any Applicable Habitat Conservation Plan or Natural Community Conservation Plan

There are no applicable habitat conservation plans or natural community conservation plans within the BECSP area, including the proposed project site. *No impact* would occur.

### **Applicable Mitigation of the BECSP EIR**

No mitigation relating to Land Use was required in the BECSP EIR.

All impacts with respect to land use were determined to be less than significant in this or the BECSP EIR analysis.

## **4.8.4 Cumulative Impacts**

Project-related impacts for environmental issue areas that did not require substantial additional analysis from what was provided in the BECSP EIR are considered to be less than significant with mitigation. In addition, the proposed project would not result in impacts different from or greater than previously analyzed in the BECSP EIR. Therefore, additional cumulative impact analysis is not required for these issue areas, including Land Use.

## 4.8.5 References

Huntington Beach, City of. *Beach and Edinger Corridors Specific Plan Environmental Impact Report*, November 2009.